THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.24513 of 2007

Dated : 26-11-2007

Between :

U Srinivas

… Petitioner/s

And

The Superintendent of Post Offices,
Peddapalli Division,
Karimnagar and 2 others.

…Respondent/s

THE HON'BLE SRI JUSTICE D.S.R. VARMA
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ORAL ORDER : (per the Hon'ble Sri Justice D.S.R. Varma)

Heard learned counsel for the petitioner and the learned Central Government Standing Counsel, appearing for the respondents.

2. This Writ of Certiorari is filed by the petitioner challenging the order, dated 17-08-2007, in O.A.No.39 of 2007, passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for brevity 'the Tribunal') dismissing the O.A., filed for appoint of the petitioner on compassionate grounds.

3. It is the case of the petitioner that while his father was ill, he was appointed as Branch Post Master. Subsequently, after the death of his father, the petitioner made an application for appointment on

compassionate grounds. The respondents, instead of considering the application of the petitioner, removed him from service without any notice. When the petitioner submitted a representation on 10-03-2006, first respondent, vide proceedings No.B2/CA/General/06, dated 04-08-2006, communicated the decision of the Circle Relaxation Committee (for brevity 'the C.R.C.') held on 18-07-2006 in not recommending the case of the petitioner. Challenging said order of first respondent, the petitioner approached the Tribunal by way of filing O.A.No.39 of 2007. The Tribunal, after considering the material on record and after going through the minutes of C.R.C., dismissed the said O.A., holding that the family condition of the petitioner is less indigent than those candidates recommended by the C.R.C. Aggrieved by the said orders of the Tribunal, the petitioner filed the present writ petition.

4. It is the contention of the learned counsel for the petitioner that the competent authority rejected the case of the petitioner for appointment on compassionate grounds just in a single line order, without application of mind and that the said order does not disclose any reason for such rejection. He also contended that the competent authority did not conduct any enquiry as regards the indigent condition of the petitioner as held by the apex Court in **MUKESH KUMAR vs. UNION OF INDIA**[1]**.**

5. On the other hand, the learned standing counsel sought to sustain the impugned order and prays to dismiss the writ petition.

6. A perusal of the impugned order of the Tribunal discloses that the C.R.C., held on 18-07-2006, examined the case of the petitioner and did not recommend his case in terms of para 5(a) of DOPT OM No.14014/6/94-Estt.(D), dated 09-10-1998, as the family of the petitioner is not in indigent circumstances since the eldest son in the family was working as Government Teacher.

7. Since the said fact did not reflect in the proceedings of the competent authority, the Tribunal called for the records of C.R.C., held on 18-07-2006 and upon perusing the minutes of the said meeting, arrived at a conclusion that the candidates, who were recommended by the C.R.C., in the said meeting, are more indigent than the petitioner and hence, the Tribunal found that the respondents are justified in rejecting the case of the petitioner for appointment on compassionate grounds.

8. The contention of the petitioner that the competent authority did not apply its mind before passing a single line order, we are of the view that this deficiency was cured by the Tribunal by way of calling for the records pertaining to the C.R.C., held on
18-07-2006. In fact, each and every detail need not necessarily be informed to the candidates. However, in case of any necessity, the Tribunals can go into those aspects by calling for the necessary records. It is precisely what the Tribunal had done before arriving at a conclusion against the petitioner.

9. Insofar as the decision of the apex Court (supra) relied upon by the learned counsel for the petitioner, it is to be seen that the facts in the said case are totally different from the facts in the case on hand. In the said case, the apex Court found fault with the decision of the Tribunal as well as the High Court totally on a different ground i.e., mis-appreciation of facts on record.

10. No doubt, necessary enquiry has to be conducted as regards the indigent condition of the petitioner before passing the impugned order. But, as already pointed out, necessary enquiry had been conducted by the Tribunal by calling for the record of C.R.C., held on 18-07-2006 and after perusing the minutes of the said meeting, the Tribunal found that the family condition of the petitioner is less indigent than those candidates recommended by the C.R.C., and

accordingly dismissed the O.A.

11. For the foregoing, we do not find any reason to interfere with the findings recorded by the Tribunal. There are no merits in the writ petition and the same is liable to be dismissed.

12. In the result, the writ petition is dismissed, at the stage of admission. There shall be no order as to costs.

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JUSTICE D.S.R. VARMA

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JUSTICE K.C. BHANU

26-11-2007
Msr

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